

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

968 FIRST APPEAL NO.4061 OF 2017

HDFC ERGO GENERAL INSURANCE CO. LTD.
VERSUS
SHESHRAO LAXMANRAO JOGDAND AND ORS

...
Advocate for Appellant : Mr. S. G. Chapalgaonkar
Advocate for Respondent Nos.1 to 5 : Mr. V. P.Latange
Advocate for Respondent No.6 : Mr. Syed Tausif Yasin

....
CORAM : SANDIPKUMAR C. MORE, J.
DATED : 23/08/2022.

P. C. :

1. The present appeal is against the order dated 13/02/2017 in respect of grant of compensation under Section 140 of Motor Vehicles Act on account of no fault liability. However, the learned counsel for rival parties submitted that the hearing of main claim petition was going on before the concerned learned Tribunal, Beed in MACP No. 122 of 2015 and substantial evidence was recorded. However, in the month of March 2021 the said MACP is shown in the caption of "stayed by Hon'ble Court".

2. On perusal of record, it is evident that the entire proceeding of the aforesaid claim petition is not stayed but only execution of NFL order was stayed. In view of the same, the learned counsel for the rival parties submitted that the learned Tribunal can be directed to dispose of the main claim petition in time bound manner and the amount of NFL deposited with this court be transmitted to the concerned learned Tribunal and its disbursement be made subject to the out come of the claim petition.

3. In view of the same, without going into the merits of this appeal, the amount of NFL deposited in this Court by the appellant – Insurance Company alongwith the interest be transmitted to the learned Tribunal, Beed immediately.

4. Further, the learned Tribunal is directed to decide the main claim petition i.e. MACP No.122 of 2015 expeditiously and as far as possible within six months of the receipt of this order on its own merit considering the contentions of rival parties.

5. The amount of NFL deposited with this court after its transmission as aforesaid be invested in any nationalized bank in FDR with periodical renewal of one year or till disposal of the claim petition.

6. The disbursement of the NFL amount would be subject to the final out come in MACP No. 122 of 2015.

7. It is made clear that no observation on merit is made while disposing the appeal by this court. Accordingly, the appeal stands disposed of.

(SANDIPKUMAR C. MORE, J.)